

Minutes
Silver Lake City Council
Regular Meeting
June 17, 2019

Mayor Butler called the meeting to order at 6:30pm.

Members present: Mayor Dorothy Butler, Councilors Josh Winfrey, Brenda Fogarty, Chris Penaz and Nolan Johnson

Staff present: Jon Jerabek, Clerk/Treasurer; RJ Cripps, Police Chief; Dale Kosek, Public Works Supervisor (PWS)

Others present: Karin Ramige, McLeod Publishing; Bruce Bebo, Donna Schmidt, Mike Jaunich, Vicki Clouse, Logan Clouse, Joe Yates, Ray Bandas, Jason Eischens

Motion by Councilor Fogarty seconded by Councilor Johnson to approve the agenda.

Vote for: Unanimous

Motion carried.

Consent Agenda:

1. Approve minutes from May 20, 2019 Regular Meeting
2. Approve payroll #11, 12 and May Ambulance.
3. Claims to be paid:

\$23,807.09	(May EFT)
\$29,399.36	(5-24-19)
\$29,485.57	(5-31-19)
\$13,577.09	(6-7-19)

Motion by Councilor Fogarty seconded by Councilor Winfrey to approve the Consent Agenda.

Vote for: Unanimous

Motion carried.

Public Comment:

1. Mike Jaunich addressed the Council about the Multi-Unit Housing Certificate at 104 Grove Ave S.

Knights of Columbus member Ray Bandas presented two checks in the amount of \$280.00 each to be donated to the Swimming Pool Fund and the Participation Recreation Fund.

Old Business:

1. 216 Summit Ave Sewer Backup. Council reviewed request from Doug Shamla to pay the insurance deductible of \$1,137 for clean up from a sewer backup at his property.

Motion by Councilor Johnson seconded by Councilor Winfrey to approve a payment of \$568.50 to Dough Shamla for the sewer backup.

Vote for: Councilors Johnson and Winfrey

Vote against: Mayor Butler, Councilors Penaz and Fogarty

Motion failed.

2. Thomas Ave One-Way Request. Jason Eischens requested to either turn Thomas Ave into a one-way street with parking on one side or to allow parking on one side of the street and leave as a two-way street. The Council discussed the request and asked staff to research other options for parking.
3. Multi-Unit Housing Certificate Review. Council reviewed the progress of 104 Grove Ave S obtaining a housing certificate. The item will be placed on the July 1, 2019 agenda.
4. Second Reading of Ordinance 93: An Ordinance Amending Chapter 9 Sections 5,6,8 and 10 of the Silver Lake Municipal Code Regarding Traffic, Parking, Motor Vehicles and Snow Removal Area.

Motion by Councilor Fogarty seconded by Councilor Penaz to approve Ordinance 93.

Vote for: Unanimous

Motion carried.

5. Second Reading of Ordinance 94: An Ordinance Amending Chapter 11 Section 4 of the Silver Lake Municipal Code Regarding Municipal Liquor Store Dispensary.

Motion by Councilor Winfrey seconded by Councilor Penaz to approve Ordinance 94.

Vote for: Unanimous

Motion carried.

New Business:

1. Eagle Scout Project. Logan Clouse presented a plan to cement a 36 feet by 27 feet area with additional bike racks by the aquatic center and to remove the rocks at the playground by the center and replace with rubber mulch.

Motion by Councilor Fogarty seconded by Councilor Johnson to allow Logan Clouse to move forward with his Eagle Scout project and to present a more definitive plan with funding at a future meeting.

Vote for: Unanimous

Motion carried.

2. Application for 1-Day Gambling License for Silver Lake Pool and Parks Organization.

Motion by Councilor Winfrey seconded by Councilor Penaz to approve the 1-Day Gambling License for Silver Lake Pool and Parks Organization on August 4, 2019.

Vote for: Unanimous

Motion carried.

3. Application for Temporary Liquor License and Dance & Live Music License for Pola-Czesky Days Committee.

Motion by Councilor Fogarty seconded by Councilor Winfrey to approve the Temporary Liquor License and Dance & Live Music License for Pola-Czesky Days Committee on August 2, 2019 to August 4, 2019.

Vote for: Unanimous

Motion carried.

4. Application for 1-Day Gambling License for Silver Lake Fire Relief Association

Motion by Councilor Fogarty seconded by Councilor Penaz to approve the 1-Day Gambling License for Silver Lake Fire Relief Association on August 4, 2019.

Vote for: Unanimous

Motion carried.

5. Application for Temporary Liquor License for Silver Lake Pool and Parks Organization
Motion by Councilor Winfrey seconded by Councilor Johnson to approve the Temporary Liquor License for Silver Lake Pool and Parks Organization on November 17, 2019.

Vote for: Unanimous

Motion carried.

6. Applications for Soliciting/Peddler Permits. Council reviewed applications from Caleb Oberg, Josef Thompson, Chad Whitcher, Nathan Saba, Cody Nordmann, and Cameron Hazzard. Chief Cripps recommendation to deny all applications due to being incomplete.

Motion by Councilor Winfrey seconded by Councilor Fogarty to deny all applications for soliciting/peddler permits.

Vote for: Unanimous

Motion carried.

7. Ambulance Department. Agenda item cancelled prior to meeting. The Council requested that a discussion take place at a future meeting.

Mayor Butler called for a brief recess at 7:47pm.

Mayor Butler called the meeting to order at 7:50pm.

Department Business:

1. Public Works – Councilor Winfrey and PWS Kosek reported the following:
 - a. Pool is open and operating. Repairs will be needed to fix main pump. Will approach Pool and Parks Organization for help with estimated cost of \$2,800.
 - b. Request to approve repair of leaking gate valve at sewer treatment ponds. Quotes from Hjerpe Contracting for \$18,585 and Juul Contracting for \$18,035 were received.
Motion by Councilor Fogarty seconded by Councilor Penaz to approve the estimate from Juul Contracting for \$18,035.
Vote for: Unanimous
Motion carried.
 - c. Coordinating with SEH on catch basin upgrades at Center St and Park Ave and Lane Ave and Main St.
 - d. Training with PeopleService on generator setup and emergency pumping.
 - e. Request to approve sandblasting, painting and metal work on box, sander and frame of new plow truck for an estimate of \$3,500.
Motion by Councilor Winfrey seconded by Councilor Johnson to approve repairs not to exceed \$3,500.
Vote for: Unanimous
Motion carried.
 - f. Request to purchase well pump controls and installation for main well and remote well. Upgrading the pump controls was a task item on the Wellhead Protection Plan. Quote from Quality Control & Integration for \$18,440 for controls and quotes from Kriha Electric for \$6,700, Brandel Electric for \$5,800 and Quality Control for \$7,000 for electrical work and installation.

Motion by Councilor Winfrey seconded by Councilor Johnson to approve the quote of \$18,440 from Quality Control & Integration for the controls and the quote of \$5,800 from Brandel Electric for the installation.

Vote for: Unanimous

Motion carried.

- g. PeopleService report for April was reviewed.
- 2. Public Safety – Councilor Fogarty, Chief Cripps, and Fire Chief Kosek reported the following:
 - a. Fire Department
 - i. May calls reviewed.
 - ii. Propane tank fire training completed.
 - iii. Drill shadowing performed by possible recruit.
 - b. Ambulance Department
 - i. Monthly runs reviewed.
 - ii. Recruitment efforts underway.
 - iii. Request to approve hiring Michelle Schneider as an EMT.
Motion by Councilor Fogarty seconded by Councilor Winfrey to approve hiring Michelle Schneider as an EMT.
Vote for: Unanimous
Motion carried.
 - c. Police Department
 - i. Cockroaches found during walkthrough at apartment building at 104 Grove Ave South.
 - ii. Options presented for signage at Lake Ave one-way to curb vehicles traveling the wrong direction. Signage and posting would cost approximately \$500.
 - iii. Discussed body worn camera costs and policy.
 - iv. Arrests and call log reviewed.
 - v. Request by Chief Cripps to obtain lost vacation hours due to training new hire.
Motion by Councilor Fogarty seconded by Councilor Penaz to approve adding 26.68 hours to Chief Cripps' vacation hours.
Vote for: Unanimous
Motion carried.
 - vi. Discussed Multi-Unit Housing Certificate at hotel in city limits.
- 3. Municipal Liquor Store (MLS) – Councilor Penaz reported the following:
 - a. Sales for May were \$43,701.46 with a net profit of \$2,646.91. Sales for year-to-date were \$205,796.47 with a net profit of \$16,432.98.
 - b. Request to approve exercise classes at Auditorium on Tuesdays and Fridays with rent being 10 percent of what is taken in monthly and a minimum of \$75. If other events are scheduled or booked the classes would be cancelled.
Motion by Councilor Penaz seconded by Councilor Johnson to approve the exercise classes on Tuesdays and Fridays with rent at 10 percent of monthly sales and a minimum of \$75.
Vote for: Unanimous
Motion carried.
 - c. Request to approve annual review for Gloria Lundberg.

Motion by Councilor Penaz seconded by Councilor Johnson to approve annual review of Gloria Lundberg and to retain with no wage increase due to being at max step.

Vote for: Unanimous

Motion carried.

- d. Request to approve annual review of Faye Duffy.

Motion by Councilor Penaz seconded by Councilor Johnson to approve annual review of Faye Duffy and to retain with no wage increase due to being at max step.

Vote for: Unanimous

Motion carried.

- e. Request to approve annual review of Kayla Shaul.

Motion by Councilor Penaz seconded by Councilor Fogarty to approve annual review of Kayla Shaul and to retain with a step increase to \$11.40 per hour.

Vote for: Unanimous

Motion carried

- f. Request to approve hiring a cleaner for Sundays at the regular hourly rate and a minimum/maximum time of 4.5 hours.

Motion by Councilor Penaz seconded by Councilor Winfrey to approve 4.5 hours for the minimum/maximum time for cleaning at the MLS on Sundays.

Vote for: Unanimous

Motion carried.

- g. Request to approve closing the on-sale portion of the MLS on July 1, 2019 through July 4, 2019 and to set off-sale hours from 10am-10pm during the same time period. Remodeling will be conducted during this timeframe.

Motion by Councilor Penaz seconded by Councilor Winfrey to approve closing the on-sale portion of the MLS on July 1, 2019 through July 4, 2019.

Vote for: Unanimous

Motion carried.

4. Community Development – Councilor Johnson and Clerk Jerabek reported the following:

- a. Planning Commission did not meet in June.
- b. Swimming pool and Summer Recreation information reviewed.
- c. Request to approve Kaleigh Rumrill as Head Lifeguard.

Motion by Councilor Johnson seconded by Councilor Winfrey to approve Kaleigh Rumrill as Head Lifeguard with starting wage of \$12.37 per hour.

Vote for: Unanimous

Motion carried.

- d. McLeod County will allow the city to use its alert system CodeRed for messaging to residents in emergencies, outages, and service interruptions.

5. Administration – Clerk Jerabek reported the following:

- a. May Treasurer's Report was reviewed.
- b. Reviewed Crow River Sno Pro's permit for trail accessibility on city property at sewer treatment ponds.

Motion by Councilor Fogarty seconded by Councilor Winfrey to approve the permit with the city and Crow River Sno Pro's.

Vote for: Unanimous

Motion carried.

- c. Workers compensation audit was completed June 10, 2019.
- d. Outstanding payable and payroll checks have been reissued.
- e. Revenue Recapture training was completed as another avenue to recuperate outstanding Ambulance patient bills.
- f. A request for proposal for the 2019 audit will be completed.
- g. Zoning cheat sheets will be created to assist with building permit applications.
- h. Request to approve annual review of Karissa Wicklund-Kurth.

Motion by Councilor Penaz seconded by Councilor Fogarty to approve annual review for Karissa Wicklund-Kurth and to retain with step increase to \$17.44 per hour.

Vote for: Unanimous

Motion carried.

Open Discussion:

- 1. Discussion on trees planted near property lines.
- 2. Discussion on tax relief for new businesses.
- 3. Discussion on administrative fines for non-compliance of multi-unit housing establishments.
- 4. Discussion on utilizing MNSPECT for all multi-unit inspections.
- 5. Discussion on cleaning of Auditorium storage area.
- 6. Discussion on lawn mowing on properties in the city.

Motion by Councilor Fogarty seconded by Councilor Penaz to adjourn this regular meeting of the Silver Lake City Council.

Vote for: Unanimous

Motion carried.

Meeting adjourned at 10:10pm.

Jon Jerabek, Clerk/Treasurer

Seal of the City:

**ORDINANCE 94: AN ORDINANCE AMENDING CHAPTER 11 SECTION 4 OF THE
SILVER LAKE MUNICIPAL CODE REGARDING MUNICIPAL LIQUOR
DISPENSARY**

The City Council of the City of Silver Lake, Minnesota does hereby ordain:

Section 1. Chapter 9 of the Silver Lake Municipal Code shall be amended as follows:

Section 4. Municipal Liquor Dispensary

Subd. 1. Dispensary Established.

- (A) A City liquor dispensary is hereby established to be operated within the City for the sale of liquor potable as a beverage and containing more than 3.2% of alcohol by weight, both for consumption at such dispensary and on such premises by the drink and in sealed or closed receptacles or containers for removal from the premises except as otherwise provided in the Silver Lake City Code. No persons shall sell, barter, or otherwise dispose of intoxicating liquor, nor shall a sale be made by anyone outside of said dispensary or by anyone not employed in and by said dispensary, nor shall any person or persons mix or prepare liquor for consumption in any public place of business or consume liquor in such places outside of the dispensary. No liquor shall be sold or consumed on a public highway or in an automobile.
- (B) Location and operation. The said dispensary shall be located at such place as the City Council shall determine by motion and may be either leased or owned by the City, as the City Council shall determine. It shall be in charge of a person known as the operator, who shall be selected by the City Council and shall be paid such compensation, as the City Council shall determine. Said operator shall have full charge of the operation of such dispensary, and shall have the authority to purchase such supplies as are necessary and employ such additional help as he or she may need at a rate of compensation to be approved by the City Council and pursuant to the rules determined by the City Council and in conformity with the law. All employees including the operator shall hold their positions at the pleasure of the City Council. No person under the age of 18 shall be employed in the City dispensary.
- (C) Dispensary fund created. A liquor dispensary fund is hereby created in which all revenues received from the operation of the dispensary shall be paid, and from which all operating expenses shall be paid, provided the initial cost of rent, fixtures, and necessary inventory may be paid for out of the general fund of the City, but such amounts shall be reimbursed to the said general fund out of the first moneys coming into the liquor dispensary fund not needed for carrying on the said business. Any surplus accumulating in this fund may be transferred to the general fund by resolution of the Council and expended for any municipal purpose.
- (D) Hours of operation. The City dispensary shall at all times observe the following restriction upon the hours of operation.

No sale of intoxication liquor shall be made:

- a. Between the hours of 12:00 a.m. and 8:00 a.m. Monday through Friday;
- b. Between the hours of 1:00 a.m. and 8:00 a.m. on Saturday and Sunday

All customers must vacate the premises no later than 12:30 a.m. Monday through Friday and no later than 1:30 a.m. on Saturday and Sunday.

“Off-Sale” hours shall be in accordance with the Minnesota Statute and as determined by the City Council.

- (E) Conditions of operation and restrictions on consumption. No gambling shall be permitted unless authorized by the State of MN and approved by the City Council.

No liquor shall be sold for any purpose to a person who is in an intoxicated condition.

No liquor shall be sold to any person in violation of any Minnesota Statute. No person under the age of 21 years of age shall be served any alcoholic beverage.

No person shall be permitted to loaf or loiter about the dispensary habitually.

No premises shall be leased for a dispensary upon which taxes, assessments or other legal public levies are delinquent and unpaid.

- (F) Enforcement. It shall be the duty of law enforcement to enforce the provisions of this chapter and to prepare and perform the necessary processes therefore.

Subd. 2. Penalty. Any person violating any provision of this ordinance is guilty of a misdemeanor offense and shall be punished by a fine not to exceed \$1,000.00 and/or jail of 90 days.

Section 2. This ordinance shall take force and be in effect from and after its passage and publication.

Adopted this 17th day of June 2019.

CITY OF SILVER LAKE

SEAL:

By: _____
Dorothy Butler, Its Mayor

ATTEST:

By _____
Jon Jerabek, Its City Clerk